

Listed Exhibit: 28

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF THE)	HP14-002
APPLICATION OF DAKOTA)	
ACCESS, LLC FOR AN ENERGY)	YANKTON SIOUX TRIBE'S
FACILITY PERMIT TO)	ANSWERS AND OBJECTIONS TO
CONSTRUCT THE DAKOTA)	INTERROGATORIES OF
ACCESS PIPELINE PROJECT)	DAKOTA ACCESS LLC
)	(THIRD SET)

TO: Dakota Access LLC

Pursuant to SDCL §§ 1-26-19, 15-6-33, and 15-6-34, and ARSD 20:10:01:1.02, the Yankton Sioux Tribe (hereinafter "Yankton") hereby submits its responses and objections to Interrogatories of Dakota Access LLC to Yankton Sioux Tribe (Second Set) dated May 29, 2015. The responses that follow shall be supplemented if and when supplementation is required by SDCL § 15-6-26(e) and only as required by that statute.

INTERROGATORY NO. 1: List the name, address, phone number and e-mail address of all those who provided information or contributed to your responses to these Discovery Requests.

ANSWER: These interrogatories have been answered by Jason Cooke, P.O. Box 1153, Wagner, SD 57380, 605-384-3641, jwcooke69@gmail.com; Sarah Zephier, P.O. Box 1153, Wagner, SD 57380, 605-384-3641, jmpena_69@hotmail.com; Faith Spotted Eagle, Box 667, Lake Andes, SD, 57356, eagletrax@hotmail.com; and Thomasina Real Bird, Esq., and Jennifer S. Baker, Esq., counsel for the Yankton Sioux Tribe, 1900 Plaza Drive, Louisville, CO, 80027, 303-673-9600, trealbird@ndnlaw.com and jbaker@ndnlaw.com.

INTERROGATORY NO. 2: Does the Tribe or any witness or potential witness have knowledge of cultural resources along the proposed route which are unknown to the State Historical Preservation Office or other authorities? If so, state such locations or likely locations.

OBJECTION: The Tribe does not have a complete inventory of all cultural resources which are known to the State Historical Preservation Officer and other authorities, thus it is unable to answer this question.

INTERROGATORY NO. 3: Where along the proposed pipeline route does the Tribe claim aboriginal land rights? Please provide the locations with legal descriptions, a map and provide documentation or a basis for the claim.

ANSWER: The Tribe has aboriginal land rights in the area described by the Indian Claims Commission in *Yankton Sioux Tribe v. United States*, 24 Ind. Cl. Comm. 208, 236 (1970). This land is described as follows:

- (1) Beginning at a point in the Missouri River where Hughs, Hyde, and Lyman Counties, South Dakota meet, northeasterly in a direct line through the easternmost point in the Town of Highmore, South Dakota, to a point on South Fork Snake Creek;
- (2) Then easterly down South Fork Snake Creek and Snake Creek to its mouth on the James River;
- (3) Then southerly down the James River to the mouth of Timber Creek;
- (4) Then east-southeasterly in a direct line to the mouth of Stray Horse Creek on the Big Sioux River;
- (5) Then southerly down the Big Sioux River to its mouth on the Missouri River;
- (6) Then westerly and northerly up the middle of the Missouri river to the point of beginning.

A map showing this location is attached hereto as Attachment 1.

INTERROGATORY NO. 4: Does the Tribe hold land which have been adjudicated at any point along the proposed pipeline route? If so, identify the result of such adjudication and describe the location of the land along the proposed route affected by the adjudication.

OBJECTION: This request is vague, as there is no clear meaning for “land which have been adjudicated.”

INTERROGATORY NO. 5: If the proposed pipeline is constructed as described in the application and attached exhibits, do you contend it will violate current state or federal rules or regulations? If so, provide those rules or regulations and a factual basis for your contentions.

OBJECTION: This request calls for legal conclusions, legal analysis, or legal opinions on a matter in contention on the application of law to the facts.

INTERROGATORY NO. 6: Do you believe or contend the proposed facility, if constructed as described in the application and attached exhibits, will pose a threat of serious injury to the environment within or on the Yankton Sioux Reservation? If so, please describe how you believe the environment within or on the Yankton Sioux Reservation will be seriously injured.

ANSWER/OBJECTION: Yes, with respect to the question contained in Interrogatory No. 6. The Tribe is unable to respond to the statement contained in Interrogatory No. 6 as it seeks information that cannot be known at this time.

INTERROGATORY NO. 7: Do you believe or contend the proposed facility, if constructed as described in the application and attached exhibits, will pose a threat of serious injury to the environment outside the Yankton Sioux Reservation, within the state of South Dakota? If so, please describe how you believe the environment outside the Yankton Sioux Reservation, within the state of South Dakota will be seriously injured.

ANSWER/OBJECTION: Yes, with respect to the question contained in Interrogatory No. 7. The Tribe is unable to respond to the statement contained in Interrogatory No. 7 as it seeks information that cannot be known at this time.

INTERROGATORY NO 8: In the event of a pipeline leak or spill along the current proposed route, how would or might the Yankton Sioux Tribe Reservation be directly impacted?

OBJECTION: This request is vague, unduly broad, and burdensome. There are countless scenarios in which a spill or leak might occur, and the Tribe cannot be expected to predict and expound upon each one. There are literally countless ways the Reservation would or might be impacted. Furthermore, it is unclear what is meant by “directly impacted.”

INTERROGATORY NO. 9: List all plant species which you claim have spiritual or religious significance which occur along the proposed pipeline route. Identify any locations where you claim each plant species currently exists.

ANSWER: All plants have spiritual significance, thus all plant species in all locations along the pipeline route have spiritual significance.

INTERROGATORY NO. 10: List all animal species which you claim have spiritual or religious significance which occur along the proposed pipeline route.

ANSWER: All animals have spiritual significance, thus all animal species along the pipeline route have spiritual significance.

Yankton Sioux Reservation will be injured if the proposed project as described in the application and attached exhibits is constructed?

OBJECTION: The above language does not pose a question or a request.

INTERROGATORY NO. 12: How will the health, safety or welfare of those residing within the Yankton Sioux Reservation be impaired if the proposed project as described in the application and attached exhibits is constructed?

OBJECTION: The Tribe is unable to respond to the question contained in Interrogatory No. 12 as it assumes facts not yet known and seeks information that cannot be known at this time.

INTERROGATORY NO. 13: Has the Yankton Sioux Tribe adopted an economic or residential development plan? If so, provide it.

OBJECTION: The information requested in Interrogatory No. 13 is neither relevant nor likely to lead to the discovery of admissible evidence. Furthermore, the Tribe's economic development plan is a confidential document.

INTERROGATORY NO. 14: How will the proposed project as described in the application and attached exhibits violate the Tribe's claimed Winters Doctrine water rights?

OBJECTION: The Tribe is unable to respond to the question contained in Interrogatory No. 14 as it assumes facts not yet known and seeks information that cannot be known at this time. Furthermore, Interrogatory No. 14 is improper as it calls for legal conclusions, legal analysis, or legal opinions on a matter in contention on the application of law to the facts.

INTERROGATORY NO. 15: Has the Tribe adopted a plan for the development of energy resources? If so, provide it.

OBJECTION: The information requested in Interrogatory No. 15 is neither relevant nor likely to lead to the discovery of admissible evidence. Furthermore, such material contains confidential information.


INTERROGATORY NO. 16: How will Yankton Sioux Tribal member human rights be violated if the proposed pipeline as described in the application and attached exhibits is built and operated in South Dakota?

OBJECTION: The Tribe is unable to respond to the question contained in Interrogatory No. 16 as it assumes facts not yet known and seeks information that cannot be known at this time.

REQUEST FOR PRODUCTION OF DOCUMENTS 1: Provide a copy of all documents in your possession which are referenced in any answer above or which supports any answer above.

See Attachments 1-2.

Dated this 21st day of August, 2015.



Jennifer S. Baker
Thomasina Real Bird
FREDERICKS PEEBLES & MORGAN LLP
1900 Plaza Drive
Louisville, Colorado 80027
Telephone: (303) 673-9600
Facsimile: (303) 673-9155
Email: jbaker@ndnlaw.com


Attorneys for Yankton Sioux Tribe

CERTIFICATE OF SERVICE

I certify that on this 21st day of August, 2015 I sent by email a true and correct copy of **YANKTON SIOUX TRIBE'S ANSWERS AND OBJECTIONS TO INTERROGATORIES OF DAKOTA ACCESS LLC (THIRD SET)** to the following:

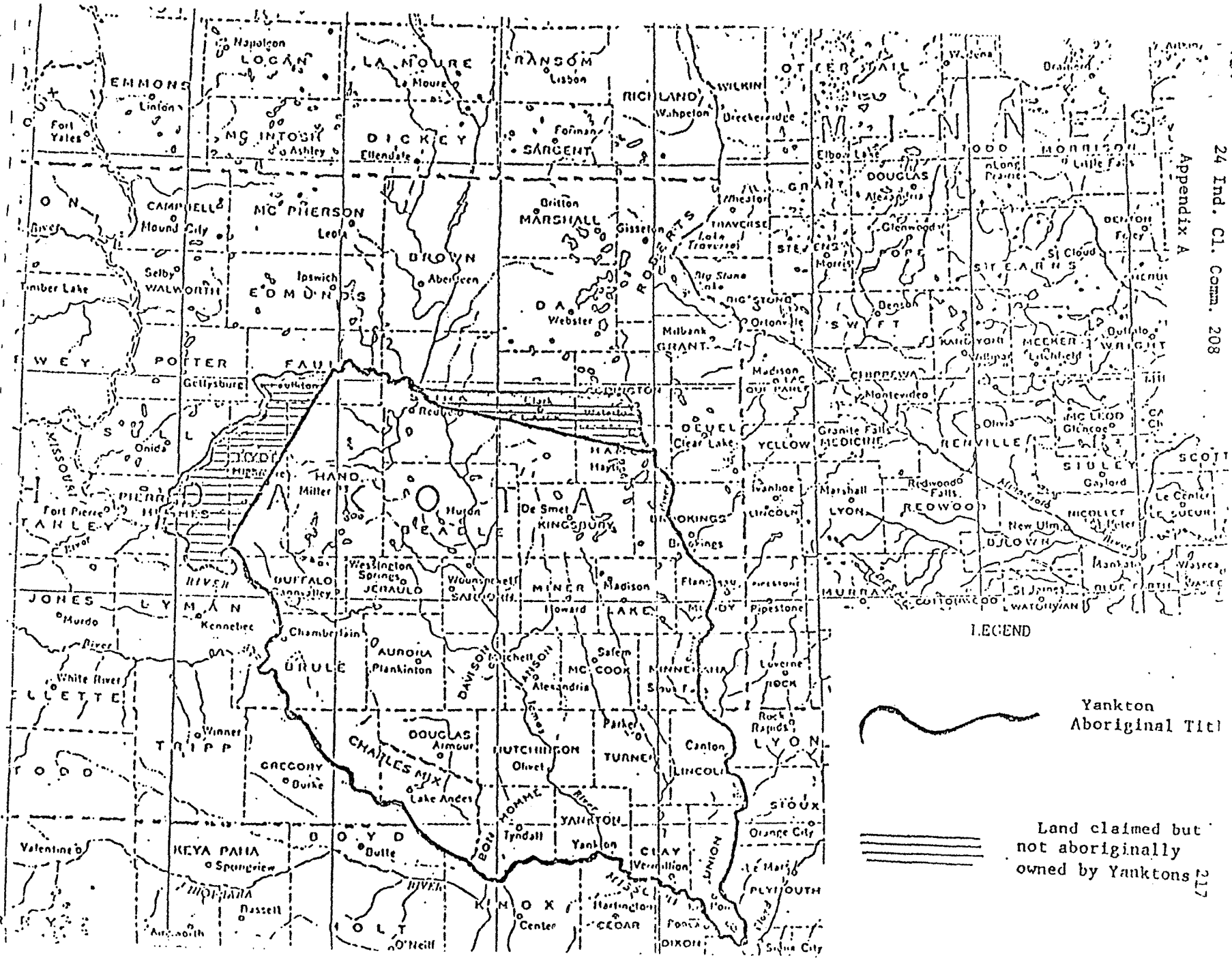
Brett Koenecke
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
brett@mayadam.net

Kara C. Semmler
503 South Pierre Street
P.O. Box 160
Pierre, SD 57501
kcs@mayadam.net



Ashley Klinglesmith
Legal Assistant

ATTACHMENT 1



LEGEND

Yankton
Aboriginal Title

Land claimed but
not aboriginally
owned by Yanktons

ATTACHMENT 2

BEFORE THE INDIAN CLAIMS COMMISSION

THE YANKTON SIOUX TRIBE,)	
)	
Plaintiff,)	
)	
THE SIOUX NATION, ET AL.,)	
)	
Intervenors,)	
v.)	Docket No. 332-C
)	
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	

INTERLOCUTORY ORDER

Upon the findings of fact and opinion this day filed herein and which are hereby made a part of this order, the Commission concludes as a matter of law that:

- (a) The plaintiff in Docket No. 332-C is entitled to maintain this action under the Indian Claims Commission Act.
- (b) The Yankton Sioux had aboriginal title to lands bound as follows:
 - (1) Beginning at a point in the Missouri River where Hughs, Hyde, and Lyman Counties, South Dakota meet, northeasterly in a direct line through the easternmost point in the Town of Highmore, South Dakota, to a point on South Fork Snake Creek;
 - (2) Then easterly down South Fork Snake Creek and Snake Creek to its mouth on the James River;
 - (3) Then southerly down the James River to the mouth of Timber Creek;
 - (4) Then east-southeasterly in a direct line to the mouth of Stray Horse Creek on the Big Sioux River;
 - (5) Then southerly down the Big Sioux River to its mouth on the Missouri River;

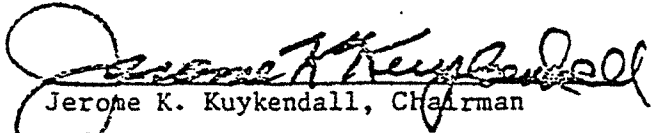
(6) Then westerly and northerly up the middle of the Missouri River to the point of beginning.

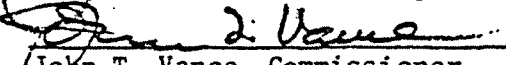
(All of the above-described locations are as depicted on the latest editions of the U. S. Geological Survey Maps, Western United States 1:250,000 series).

- (c) The land belonging to the Yankton Sioux Tribe, including its interest in the land reserved for the Sioux by the Treaty of Fort Laramie of September 17, 1851, was taken by the Treaty of April 19, 1858 (11 Stat. 743), which treaty was ratified by the President on February 26, 1859. The valuation date for the lands taken is February 26, 1859.
- (d) The Yankton Sioux did not have aboriginal title to any other land within the boundaries set forth in Plaintiff's Proposed Findings of Fact No. 18, filed July 29, 1968.
- (e) Neither the Teton Sioux nor the Yanktonais Sioux had any interest in the subject lands, and therefore, their intervention herein should be and is hereby dismissed.

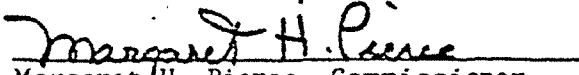
Docket 332-C will proceed to the remaining issues of acreage value and consideration.

Dated at Washington, D. C., this 14th day of December, 1970.


Jerome K. Kuykendall, Chairman


John T. Vance, Commissioner


Richard W. Yarborough, Commissioner


Margaret H. Pierce, Commissioner


Brantley Blue, Commissioner